

IN RE: PETITION FOR VARIANCE
N/S Lyons Mill Road, 900' E of
the c/l of Marriottsville Road
(9816 Lyons Mill Road)
2nd Election District
3rd Councilmanic District
Carmen C. Hurst, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-453-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Carmen C. and Margaret L. Hurst. The Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 55 feet in lieu of the required 70 feet for the proposed subdivision of the subject property, zoned D.R. 3.5, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Carmen C. and Margaret L. Hurst, legal owners, and Randy L. Bachtel, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 9816 Lyons Mill Road, consists of a gross area of 24,367.27 sq.ft. zoned D.R. 3.5 and is improved with a single family dwelling. The Petitioners are desirous of subdividing the property to create three lots, one of which will contain the existing dwelling which has been their residence for the past 22 years. The Petitioners wish to create two additional lots for future development with single family dwellings. The Petitioners originally proposed to create two additional lots with access via a panhandle driveway which would not require a variance to lot width requirements. However, the Office of Planning and Zoning requested the Petitioners redesign the

proposed subdivision to eliminate the panhandle lots. By letter dated July 9, 1993 from Pat Keller, Deputy Director of Planning, the Petitioners were advised that it was their position that the Petitioners should not create panhandle lots in this area of Baltimore County. Mr. Keller recommended the Petitioners create two lots, side by side, each with frontage on Lyons Mill Road. Both lots would have an average width of 55 feet. Based on the Office of Planning's recommendations, the Petitioners revised their plans and as a result, the requested variance is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special

- 2 -

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of August, 1993 that the Petition for Variance requesting relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 55 feet in lieu of the required 70 feet for the subject property zoned D.R. 3.5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 4, 1993

Mr. & Mrs. Carmen C. Hurst
9816 Lyons Mill Road
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
N/S Lyons Mill Road, 900' E of the c/l of Marriottsville Road
(9816 Lyons Mill Road)
2nd Election District - 3rd Councilmanic District
Carmen C. Hurst, et ux - Petitioners
Case No. 93-453-A

Dear Mr. & Mrs. Hurst:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Randy L. Bachtel
359 Manchester Road, Westminster, Md. 21158

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9816 Lyons Mill Road
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3C1 - Minimum Lot width for D.R. 3.5 of 70 feet be reduced to approximately 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Variance is hereby requested because of the practical difficulty of subdivision and county preference. By reducing lot width requirement, the property can be subdivided without using a panhandle driveway for access.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

Mr. Carmen C. Hurst

(Type or Print Name)

Signature

Mrs. Margaret L. Hurst

(Type or Print Name)

Signature

9816 Lyons Mill Road (410)922-8116

Address

Owings Mill, Maryland 21117

City State Zipcode

Name, address and phone number of representative to be contacted:

Same As Above

Name

Address

City State Zipcode

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Indicate the following date: 1 hr.

ALL OTHER

REVIEWED BY: TMK DATE: 6/14/93

EXAMPLE 3 - Zoning Description

- 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 9816 Lyons Mill Road (address)
Election District 2 Councilmanic District C-3

Beginning at a point on the North side of Lyons Mill Road
(north, south, east or west)

(street on which property fronts) which is (number of feet of right-of way width)

wide at a distance of 900' East of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Marriottsville Road
(name of street)

which is 50 ft. wide. *Being Lot # N/A.
(number of feet of right-of-way width)

Block N/A, Section # N/A in the subdivision of

N/A as recorded in Baltimore County Plat

Book # N/A, Folio # N/A, containing

24,367.27 Square Feet
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 5211, Folio 022" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 03' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

7

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 6/10/93
Posted for: Lyons Mill Road
Petitioner: Carmen C. Hurst
Location of property: 9816 Lyons Mill Road, 900' E of Marriottsville Rd.
Location of Signs: Along the way on property to be zoned
Remarks:
Posted by: TMK Date of return: 7/6/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 1, 1993

THE JEFFERSONIAN,

Swickson

receipt

Baltimore County Government
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6190
Number
Date: 6/14/93
Item Number: 460
Taken In By: MJK

93-453-A
Carmen Hurst - 9816 Lyons Mill Road
#010 - Variance (2 lot widths) - \$100.00
#080 - 1 Sign - \$35.00
Total - \$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JUNE 25, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-453-A (Item 460)
9816 Lyons Mill Road
N/S Lyons Mill Road, 900' E of c/l Marriottville Road
2nd Election District - 3rd Councilmanic
Petitioner(s): Carmen C. Hurst and Margaret L. Hurst
HEARING: WEDNESDAY, JULY 22, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance for a minimum lot width of 70 feet to be reduced to approximately 55 feet.

Carl Jablon
Arnold Jablon
Director

cc: Carmen and Margaret Hurst/9816 Lyons Mill Road/Owings Mills MD 21117

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: FUTURITY PUBLISHING COMPANY
JULY 1, 1993 Issue - Jeffersonian

Please forward billing to:
Mr. Carmen C. Hurst
9816 Lyons Mill Road
Owings Mills, Maryland 21117
(410) 922-8116

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-453-A (Item 460)
9816 Lyons Mill Road
N/S Lyons Mill Road, 900' E of c/l Marriottville Road
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Variance for a minimum lot width of 70 feet to be reduced to approximately 55 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 14, 1993

Mr. and Mrs. Carmen C. Hurst
9816 Lyons Mill Road
Owings Mills, MD 21117

RE: Case No. 93-453-A, Item No. 460
Petitioner: Carmen C. Hurst, et ux
Petition for Variance

Dear Mr. and Mrs. Hurst:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 18, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-24-93

Re: Baltimore County
Item No.: 460 (MJK)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5882 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204 (410) 887-3211
Fax (410) 887-5862

DATE: July 9, 1993

TO: Arnold Jablon, Director, ZADM

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Hurst Property
9816 Lyons Mill Road

PROJECT NUMBER: 92240MP ZONING CASE *93-453-A

GENERAL INFORMATION:

Petitioner: Carmen C. Hurst
9816 Lyons Mill Rd Owings Mills, MD 21117

Zoning: DR 3.5

Requested Action: Variance of minimum lot width from required
70 feet to 55 feet.

Hearing Date: July 21, 1993

Attachments: Attachment A: Letter of Denial
Attachment B: Recommended Alternatives

SUMMARY AND RECOMMENDATIONS:

On September 18, 1992, the Office of Planning and Zoning received a request to subdivide 39,284.204 square feet of land zoned DR 3.5 into 3 lots. The existing house located at 9816 Lyons Mills Road was to remain on 18,973.862 square feet with Lot 1 containing 10,309.682 square feet and Lot 2 containing 10,000.662 square feet. Lot 1 was located as a panhandle with the proposed house situated directly behind the house on Lot 2.

In accordance with Section 26-266 of the Development Regulations which states that panhandle lots are not a matter of right, and based on site visits and County review for building orientation, site design, and review criteria provided in the Comprehensive Manual of Development Policies,

MEMO TO: Arnold Jablon, Director, ZADM
SUBJECT: 9816 Lyons Mill Road
July 9, 1993

staff recommended denial of the Applicant's request. The primary consideration was the lack of panhandle lots in the vicinity as well as along Lyons Mill Road. The use of a panhandle lot would be detrimental to the character of the surrounding area.

Subsequent to the recommendation of denial, staff met with the Applicant on site to discuss the recommendation. The panhandle option was still not desirable, however, staff suggested that if a ranch type dwelling with extensive screening was provided on the rear lot, a panhandle could be approved by the County. The most desirable alternative was to subdivide the parcel with all of the lots fronting along Lyons Mill Road and place the two single-family detached dwellings at the front of the lots. The small lot table, however, requires a minimum of 70 feet of frontage in a DR 3.5 zone. The maximum frontage which could be provided was approximately 55 feet per lot. All other setbacks and requirements of the BCZR can be met except the minimum lot frontage.

Based upon a minimum lot frontage of 55 feet in width being provided, staff recommends APPROVAL of the Applicant's request. The site design as proposed is the superior and preferred development alternative.

Pat Keller
Pat Keller, Deputy Director

PK:bjs
Attachments
CC: Mr. Carmen Hurst
File

LYONSHIL.MMO/TXTBVO Pg. 2

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee
FROM: Captain Jerry Pfeifer
SUBJECT: July 06, 1993 Meeting

DATE: June 28, 1993

#450 No Comments
#451 No Comments
#452 No Comments
#453 No Comments
#454 No Comments
#455 No Comments
#457 No Comments
#458 No Comments
#459 Building shall be in compliance with 1991 Life Safety Code
#460 No Comments 43-453-A 7/31
#461 No Comments

RECEIVED
JUL 28 1993
ZADM



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

November 25, 1992

Mr. James K. Tracy, P.E.
Tracy Engineering, Inc.
PO Box 1866
Ellicott City, MD 21043

RE: Hurst Property
(92240 mp)

Dear Mr. Tracy:

The Office of Planning and Zoning is in receipt of your letter dated, in file November 6, 1992. The delayed response to your request is not a reflection of tardiness but rather one of concern in that additional research was required in order to respond.

The Office of Planning and Zoning takes the issue of panhandle lots quite seriously. A great deal of time has been invested in creating guidelines for the review and approval of this type of development. The Planning Board has adopted policies regarding the design of these lots (see attached) in their Comprehensive Manual of Development Policies. Staff has also created a detailed application form that requires the applicant to submit a much broader range of information including surrounding land uses and architectural design of the proposed building than what is normally required for minor subdivisions.

These regulations were created to address issues raised by communities who were witnessing the deterioration of their neighborhoods through the misplacement of buildings. Panhandle lots in an urban situation can be quite destructive to the fabric of the existing communities. In particular, the Baltimore County Planning Board directed the Office of Planning and Zoning to reduce the numbers of panhandle lots, and to eliminate the situation where the fronts of buildings are facing towards the rears of others.

In your particular instance, I felt it necessary to visit the site, since you have stated that staff had given you informal encouragement to proceed. After visiting the site and seriously deliberating over your request I have come to the conclusion that the site would not be appropriate for a panhandle lot. My conclusion is based upon the orientation of the surrounding structures, the location of the surrounding buildings, and the inability to sensitively locate a new structure as you proposed.

Mr. James K. Tracy, P.E.
RE: Hurst Property
November 25, 1992
Page 2

Finally, contrary to your statement, panhandle lots are not a matter of right and the legislation on this particular point has not changed since it was first adopted in 1985. The denial of the panhandle lot would not deny the property owner a reasonable use of the property.

I appreciate your concerns, and thank you for contacting me personally regarding this issue. If you would like to meet at the site with your client I would be more than willing to explain my rational in coming to this conclusion. As always if your client feels aggrieved by this decision, this denial may be appealed to the Baltimore County Board of Appeals.

Our primary objective is to assure that development occurs in an orderly manner and fashion without disrupting the fabric of existing communities. Thank you for your personal contact, and concern.

Sincerely,

Pat Keller
Pat Keller
Deputy Director

PK:bjs

Attachment

CC: File

TRACY. PK/TXTBJS



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

May 11, 1993

Mr. Carmen C. Hurst
9816 Lyons Mill Road
Owings Mills, MD 21117

RE: Hurst Property (92-240MP)

Dear Mr. Hurst:

On April 27, 1993, staff from the Office of Planning and Zoning met with you to discuss the panhandle subdivision located at 9816 Lyons Mill Road. The meeting was held to review the November 25, 1992 letter denying the panhandle subdivision.

Staff has conducted additional analysis and offers the following information.

- The panhandle subdivision as proposed on the February 26, 1992 site plan, revised June 26, 1992 could be approved by this Office subject to the panhandle lot containing a single-story ranch type house. In addition, extensive landscaping such as white pines should also be provided along the panhandle lot. The site plan will need to be revised to show the building detail and a landscape plan.
- Two site development alternatives (attached for your review) have been provided which include 1) two single-family detached dwellings located side by side at the front of the lot and 2) one semi-detached building provided at the front of the lot. It appears that the two single-family detached dwellings would meet all building setbacks and lot size (10,000 sq. ft. per bldg.) requirements. A variance to the minimum lot width of 70 feet would be required since only 55 feet could be provided. Staff would support such a request before the Zoning Commissioner. The semi-detached building alternative would be subject to zero foot sideyard variances where the two dwellings are attached and variances to residential transition area may be required.

#460

Mr. Carmen Hurst
RE: Hurst Property
May 11, 1993
Page 2

Sincerely,

Pat Keller
Pat Keller, Deputy Director

PK:bjs

Attachments

CC: Mr. Randy Bachtel
BPR
359 Manchester Road
Westminster, MD 21157

Mr. Robert Thomas
3046 Sykesville Road
Westminster, MD 21157

File

HURST. PK/TXTBVO

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Lyons Mill Rd., 900' E of : OF BALTIMORE COUNTY
C/L Marriottsville Rd. (9816 :
Lyons Mill Rd.), 2nd Election : Case No. 93-453-A
Dist., 3rd Councilmanic Dist. :

CARMAN C. HURST, et ux,
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 13th day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs.
Carman C. Hurst, 9816 Lyons Mill Rd., Owings Mills, MD 21117, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
JUL 13 1993

ZADM



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

DATE: June 10, 1992

TO: All Interested Parties

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: Minor Subdivisions-Panhandle Lots

As stated in the Development Regulations of Baltimore County, Maryland, the use of panhandle lots is not a matter of right, and may only be permitted in very limited situations. To determine the suitability of proposed panhandle lots, the Office of Planning and Zoning has written guidelines to evaluate a proposed panhandle development, and is requiring that additional materials be submitted with the proposal. This information will not be costly to provide, and plan review will continue to be done within the current time frame allowed.

Attached are the review criteria and the checklist the Office uses. If you have any questions or comments, please contact Brent Flickinger at 887-3211.

P. David Fields
P. David Fields
Director

PDF/BRF:rdn

Attachments

MEMO1.PAN/TXTBVF

Office of Planning and Zoning
Baltimore County, Maryland
June 8, 1992

REVIEW CRITERIA MINOR SUBDIVISIONS-PANHANDLE LOTS

I. INTRODUCTION

Minor subdivisions involving panhandle lots are not a matter of right and, may be permitted only in the following situations: 1) to achieve better use of an irregularly shaped parcel or 2) to avoid development in environmentally sensitive areas, and 3) to provide access to interior lots where a public road is not desirable. The Comprehensive Manual of Development Policies (CMDP), adopted in 1992, further clarifies that panhandle lots should only be considered where they enhance project design and the topography of the site, minimize site disturbance or retain existing grades and roads to the extent possible. Further, the proposed lot(s) will not be a negative impact on adjacent properties or the pattern of existing lots and houses in a neighborhood.

It should be noted that these criteria can generally be met only in rural areas, those zoned Resource Conservation (RC). Panhandle lots are not appropriate in urban neighborhoods, those that are zoned Density-Residential (DR). An applicant who wants to present a case to try to establish the appropriateness of a panhandle lot on either a rural or an urban site must demonstrate that the property clearly meets the very specific conditions described above and in Section II below. Documentation, as described in Section V below, that shows the relationship between the proposed development and surrounding properties must be submitted.

Minor subdivisions involving panhandle lots will be reviewed for conformity with Section 26-266 of the Development Regulations, "Panhandle Driveways." Design standards as provided in the CMDP for panhandle lots (see attached), as well as conformance with Section 26-282(b) of the Development Regulations, "Compatibility," will be used as the basis for staff analysis and evaluation.

II. LEGAL REQUIREMENTS

As stated in the Development Regulations, panhandle lots are not a matter of right. Minor subdivisions are "Limited Exemptions," as per Section 26-171, and are not required to comply with Section 26-203, "Concept Plan," and Section 26-206, "Development Plan Approval." This means they do not have to submit a Concept Plan or go through the process of a hearing before the Hearing Officer. By law, the sites do not have to be posted to notify the public of the proposal.

Section 26-266, "Panhandle Driveways," states that "Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare."

If a project is denied by staff, the applicant may appeal to the County Board of Appeals or elect to go through the Development Plan Review process, with a decision made by the Hearing Officer.

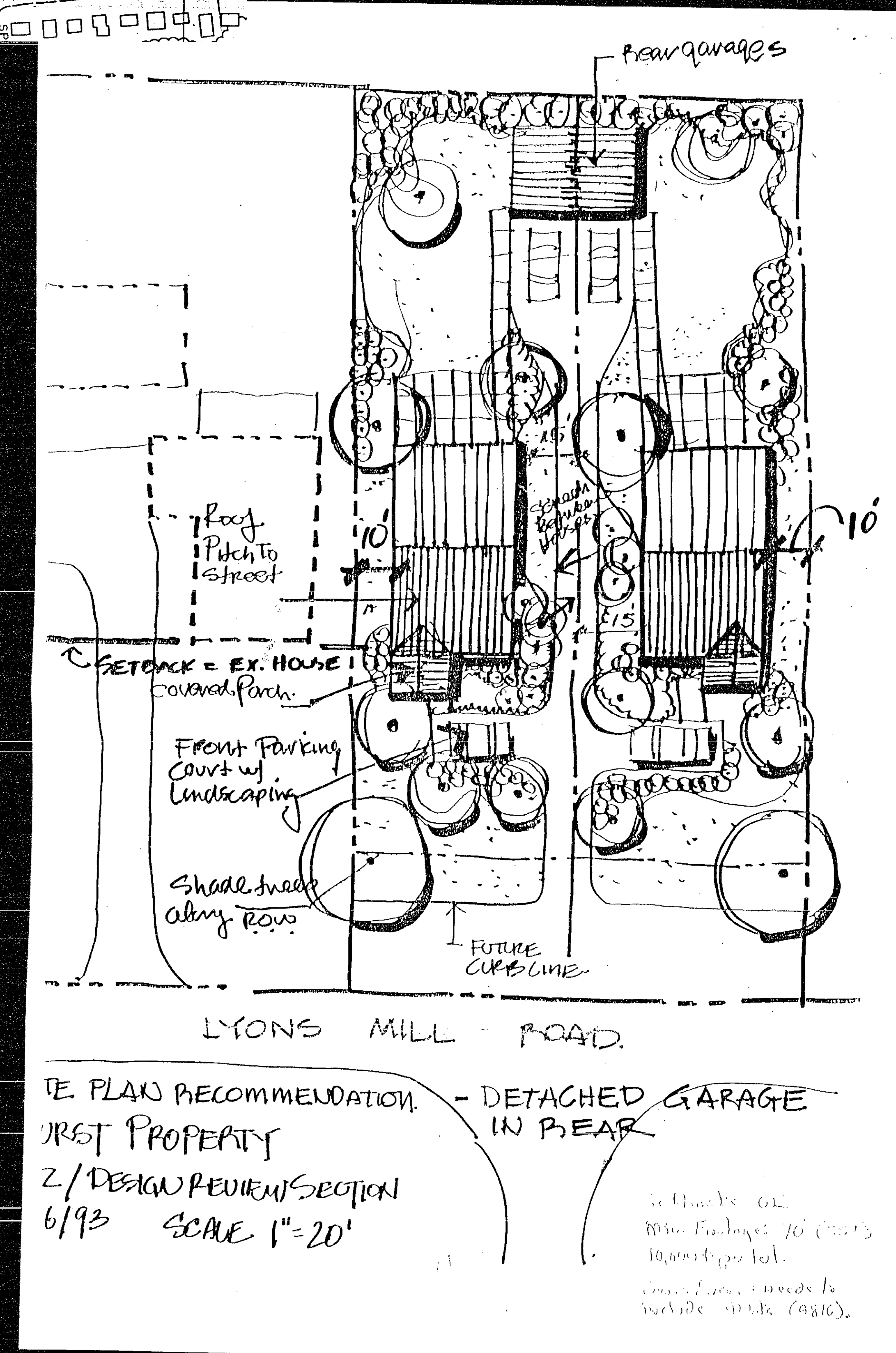
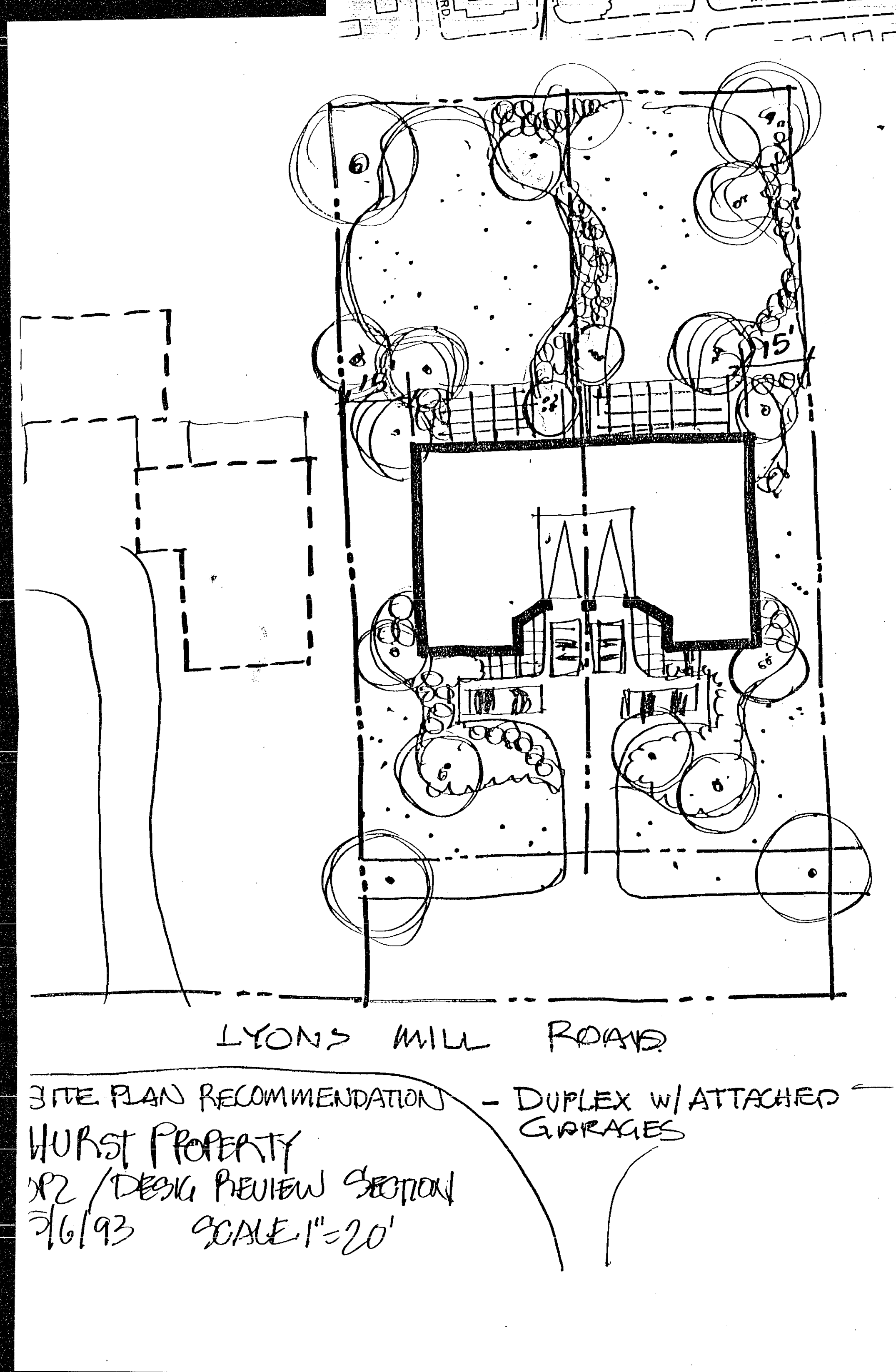


Baltimore County • Focus on Community •

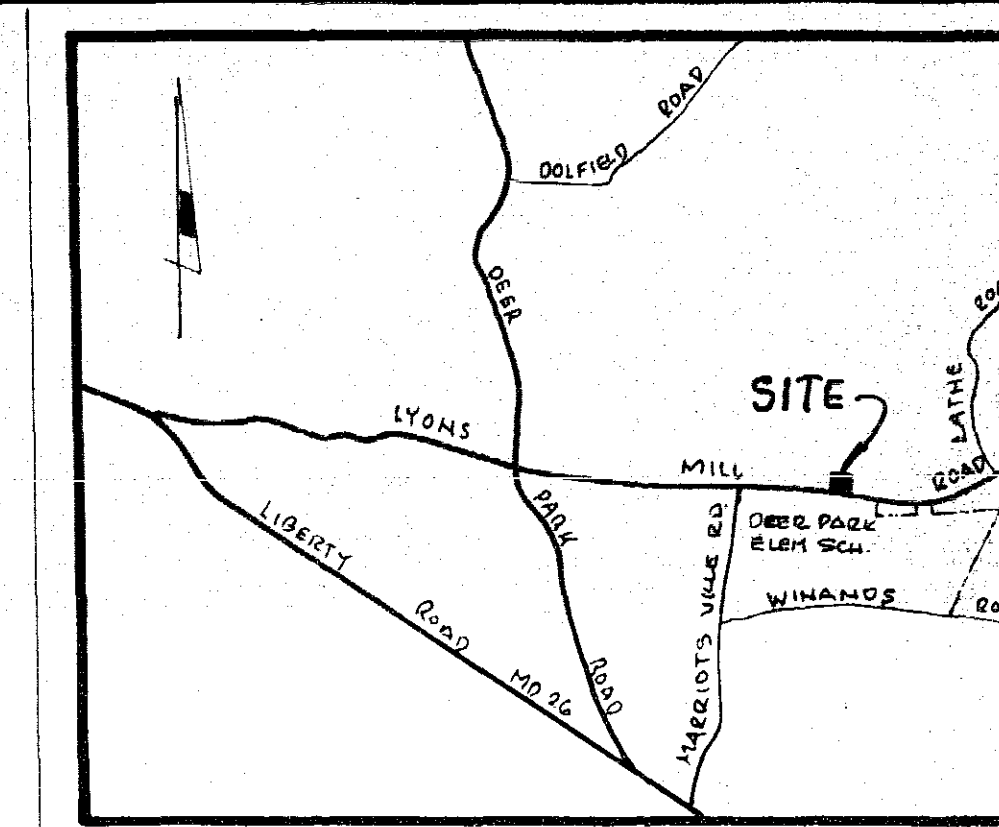
PART III: COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

Adopted by the Baltimore County Planning Board on April 16, 1992

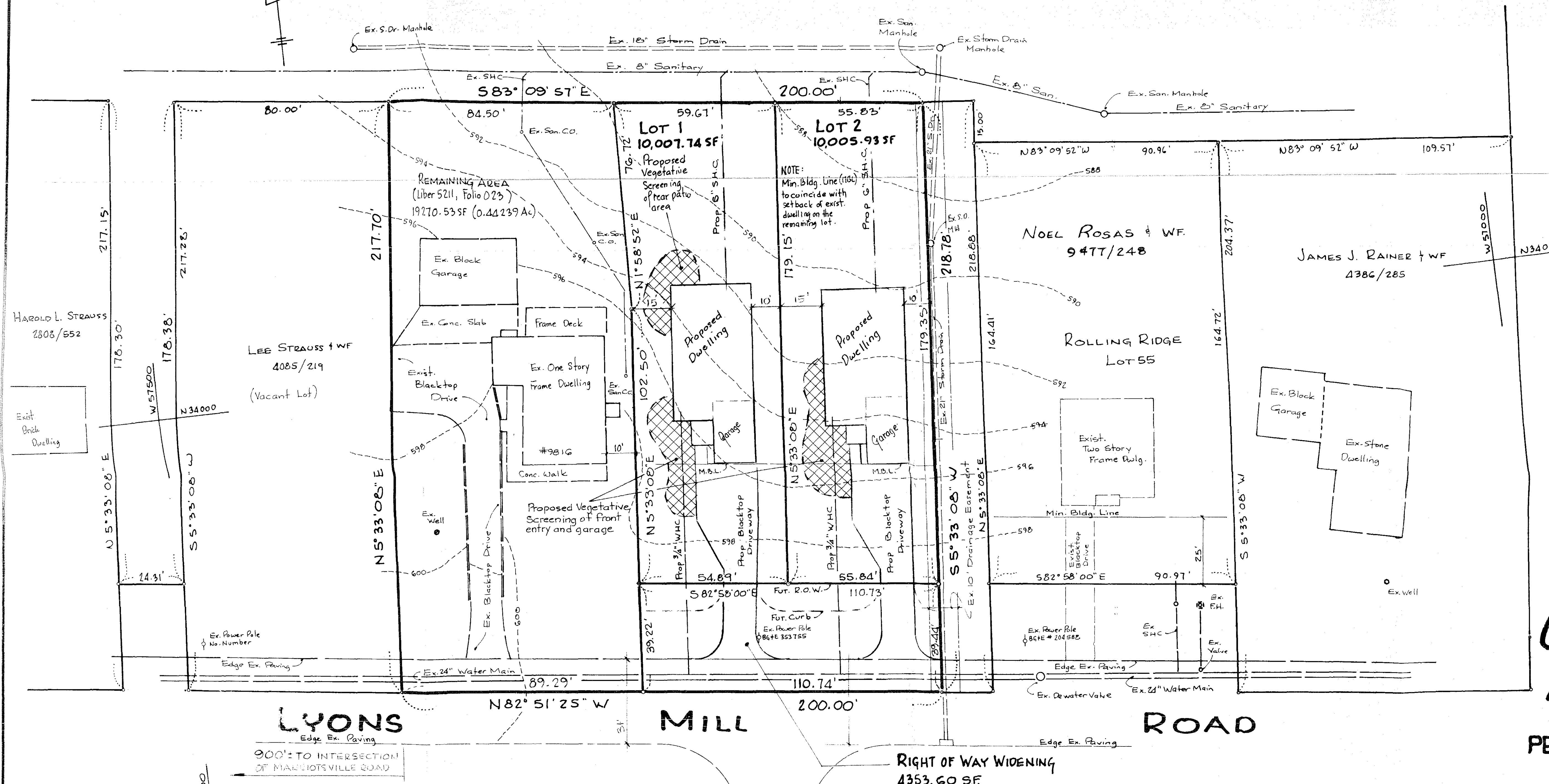
This image shows a blank sheet of white paper designed for handwriting practice. It features two vertical columns of horizontal blue lines. Each column contains ten lines, providing a total of twenty lines for writing. The margins are consistent on all sides, and there are no other markings or text on the page.



Storm Water Management Reservation
ROLLING RIDGE SMG2/135



VICINITY MAP
SCALE: 1" = 2000'



GENERAL NOTES

Property shown is owned by Carmen C. and Margaret L. Hurst by deed of Vernon H. and Esther A. Lechner dated August 17, 1971 and recorded in Liber 5211, Folio 023.
Tax Account No. 0212200451

Subject Property Zoned: DR 3.5
Gross Area of Property: 24,367.27 SF
Net Area of Property: 20,012.67 SF
Watershed N^o 28
Sub Sewer Watershed N^o 4025.01
Census Tract N^o 4025.01
Planning District N^o 301
School District N^o 185
Transportation Zone N^o 354
Baltimore County Soil Survey Map N^o 32
Entire Site is GcB2
Zoning Map E-1

93-453-A

PLAT TO ACCOMPANY
PETITION FOR VARIANCE

PROPERTY OF
CARMEN C. AND MARGARET L. HURST
LYONS MILL ROAD
ELECTION DISTRICT 2, C3 BALTIMORE COUNTY MD

PETITIONER'S
EXHIBIT 1

OWNER
Carmen C. Hurst
9816 Lyons Mill Road
Owings Mill, MD 21117
Tel: 410-922-8116 #460

BPR, INC.

DATE	REVISION	BY
6/14/91	Revised Lot Configuration	GR
6/26/91	Revised Lot Dimensions	GR
SURVEYED BY		
COMPUTED BY		
DRAWN BY		
CHECKED BY		
Drawn NO	01-102	

PLANNERS - SURVEYORS
359 MANCHESTER ROAD
WESTMINSTER, MD 21157
(301) 857-9030 - (301) 876-0333

DATE Feb. 26, 1992 SCALE 1" = 20'